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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,404

10/07/2005

Kazutoshi Kono

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35301

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EXAMINER

LESLIE, MICHAEL S

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,404	Applicant(s) KONO ET AL.	
	Examiner MICHAEL LESLIE	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/7/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Someya et al (JP 59-093502).

Someya et al discloses a pressure device (41) attached to an actuator (2) and applying pressure to an object to be pressurized, the device comprising a cylinder body (44), to one end of which an attachment of the actuator is attached and to the other end of which an insertion hole (not labeled) communicating with a housing chamber formed therein is provided, a pressure rod (54) axially reciprocally attached to the cylinder body and provided, at one end of the pressure rod, with a pressure end protruding from the insertion hole, a reciprocating body (46) provided at the other end of the pressure rod and having a diameter smaller than that of an inner circumferential surface of the housing chamber, which is reciprocally housed in the housing chamber, and an advance pressure diaphragm (49) provided between the reciprocating body and the cylinder body and partitioning and forming an advance pressure chamber (51) for applying a pressure thrust toward the object to be pressurized. Wherein a dust collecting port is formed in the cylinder body, and the cylinder body includes a gap between an outer circumferential surface of the pressure rod and an inner circumferential surface of the insertion hole.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Someya et al (JP 59-093502) in view of Shiro et al (JP 2002-174204).

Someya et al discloses a pressure device as described above with respect to claim 1, but does not teach a weight offset pressure diaphragm, or an offset load adjusting diaphragm.

Shiro et al teaches a pressure device having a weight offset pressure diaphragm (22) provided between a reciprocating body (30) and a cylinder body (10) and partitioning and forming a weight offset pressure chamber (~P2) for applying a weight offset thrust in a direction opposite to a pressure thrust (~P1), an offset load adjusting diaphragm (23) provided between the reciprocating body and the cylinder body, partitioning and forming the weight offset pressure chamber along with the weight offset pressure diaphragm, and blocking off the weight offset pressure chamber and an ambient-air pressure chamber. Wherein the reciprocating body is disposed so that the pressure rod is directed vertically downwardly, and the weight offset pressure chamber is filled with compressed fluid that is set at fluid pressure capable of retaining the reciprocating body in a state in which the reciprocating body is out of contact with any of inner wall surfaces of the cylinder body.

The device of Someya et al is described for use in a horizontal plane, however one of ordinary skill would recognize the need for weight offset of the device in order to enhance the

positioning accuracy of the device such that the appropriate amount of pressure would be applied to the object being pressurized. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Someya et al to include a weight offset pressure diaphragm between the reciprocating body and the cylinder body and partitioning and forming a weight offset pressure chamber for applying a weight offset thrust in a direction opposite to a pressure thrust, an offset load adjusting diaphragm provided between the reciprocating body and the cylinder body, partitioning and forming the weight offset pressure chamber along with the weight offset pressure diaphragm, and blocking off the weight offset pressure chamber and an ambient-air pressure chamber as taught by Shiro et al for the purpose of balancing the weight of the pressure device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6116025, 4406122, 4347049, and 3986355 each disclose a pressure device having weight offset.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL LESLIE whose telephone number is (571)272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
March 24, 2008

**/Michael Leslie/
Primary Examiner, Art Unit 3745**